



CITY OF SUGAR LAND



MAY 2004

EXECUTIVE SUMMARY

The State of Texas assumed the authority to administer the National Pollutant Discharge Elimination System (NPDES) program in Texas in 1998. NPDES is a federal regulatory program to control discharges of pollutants to surface waters of the United States. The Texas Commission on Environmental Quality's (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) program now has federal regulatory authority over most discharges of pollutants to Texas surface water.

The national stormwater regulations originally applied only to cities with populations larger than 100,000. The NPDES Phase II rule, promulgated in December 1999, expanded the scope of the NPDES program to include smaller local governments. Sugar Land and other small municipalities with populations under 100,000 that manage their stormwater facilities are now regulated as Phase II municipalities under the NPDES/TPDES municipal separate storm sewer system (MS4) permit requirements. The TCEQ is expected to issue a General Permit for stormwater discharges from Phase II cities in Texas in late 2004. Phase II cities will be required to obtain permit coverage within 90 days of the permit issuance date. According to the draft permit, the City will be given five years to fully implement a Stormwater Management Program (SWMP) once the final permit is issued. The City will be required to submit annual reports to TCEQ during this time.

The City of Sugar Land, as an operator of a small MS4, will be required to reduce the discharge of pollutants to water of the State and the United States to the "maximum extent practicable" to protect water quality. At a minimum, the permit will require a SWMP that addresses the following issues:

- Specify Best Management Practices (BMPs) for six minimum control measures (MCMs) and implement them to the "maximum extent practicable"
- Identify measurable goals for these control measures
- Develop an implementation schedule for these control measures or frequency of activities and
- Define the responsible entity to implement these control measures.

The final rule requires the permittee to choose *appropriate* BMPs for each of six MCMs. In other words, the EPA expects Phase II permittees to tailor their stormwater management plans and their BMPs to fit the particular characteristics and needs of the permittee and the area served by its MS4. Therefore, the Federal or State operator of a regulated storm sewer system can take advantage of the flexibility provided by the rule to utilize the most suitable MCMs for its MS4.

To qualify for permit coverage, the MS4 must develop a SWMP that describes the BMPs they will develop and implement to minimize the discharge of pollutants from the MS4 to the maximum extent practicable. The six MCMs as defined by the EPA are as follows:

- *Public Education and Outreach* - The MS4 is required to develop and implement a Public Education Program, or equivalent outreach activities, to distribute information to the community about impacts of stormwater discharges on water bodies and steps the public can take to reduce pollutants in stormwater runoff.
- *Public Involvement and Participation* - The MS4 is required to, at a minimum, comply with State/Local notice requirements and is recommended to include public in developing/implementing/reviewing the SWMP and engage all economic and ethnic groups.
- *Illicit Discharge Detection and Elimination* – The MS4 must develop, implement, and enforce a program to detect and eliminate illicit discharges. As part of this program, the MS4 must develop a storm sewer system map with locations of all outfalls, establish an ordinance (or other regulatory mechanism) prohibiting illicit discharges, establish enforcement procedures and actions, detect and address illicit discharges (including illegal dumping), and inform employees, businesses and general public of the program.
- *Control of Construction Site Runoff* – The MS4 is required to develop, implement, and enforce a program to reduce pollutants in runoff from construction activities disturbing greater than or equal to one acre (including smaller sites that are part of a greater common plan of development), with an ordinance (or other regulatory mechanism), sanctions, and procedures. The MS4 must also require construction site operators to implement erosion and sediment control BMPs and to control waste.
- *Post-construction Stormwater Management* – The MS4 is required to develop, implement, and enforce a program for stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre (including smaller sites that are part of a greater common plan of development), with an ordinance (or other regulatory mechanism) to address post-construction runoff, structural and non-structural BMPs appropriate to the community, and ensure adequate long-term operation and maintenance.
- *Pollution Prevention and Good Housekeeping* – The MS4 is required to develop and implement an operation and maintenance program that has the goal of preventing/reducing pollutant runoff from municipal operations and has an employee training component.

The City of Sugar Land is uniquely positioned to implement a stormwater program due to existing personnel and resources available in various City departments. Existing City departments currently performing functions generally associated with the implementation of a stormwater program include Public Works, Development Services, Parks & Recreation, Finance & Administration, Municipal Courts, City Manager's Office, and Communications. The existing City departments have the ability to perform most of the elements comprising a comprehensive stormwater program with minimal additional personnel costs.